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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,179	05/04/2001	Bernhard Raaf	112740-205	1106

29177 7590 06/23/2004

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EXAMINER

HOOSAIN, ALLAN

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 06/23/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/831,179

Applicant(s)

RAAF, BERNHARD

Examiner

Allan Hoosain

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19,26,29,31 and 34 is/are rejected.
- 7) ☒ Claim(s) 20,21,23-25,27,28,30,32,33 and 35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

FINAL DETAILED ACTION

Allowable Subject Matter

1. Claims 20-21,23-25,27-28,30,32-33 and 35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 19,22,26,29,31,34 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Weaver, Jr. et al.** (US 5,475,870) in view of **Ozaki** (US 5,933,465).

As to Claims 19,26,31, with respect to Figures 1 and 2A, **Weaver, Jr.** teaches a method for data transmission in a mobile radio system, the method comprising the steps of:

transmitting data between a first base station, 10, and at least one mobile station, 102, based on TDMA (a first transmission method);

inserting control of transmit power (interruption phases), at least during soft handoff (particular transmission phases), in which the mobile station interrupts the transmission of the data and in which the mobile station is switched to reception of power increase or decrease

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power transmission (data packets) sent by a second base station, 40, based on a system control commands (second transmission) method (Col. 9, lines 1-15),

Weaver, Jr. does not teach the following limitations:

“the second base station operating on a GSM standard which is based on a synchronization frame structure having a period of 51 frames; and
inserting interruption phases having an effective total duration of a maximum of 10 observation frames”

Ozaki teaches a base station which transmits GSM based on 51 frames and where FCCH control signals (observation frames) are inserted every 10 frames (Col. 1, lines 56-67). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add GSM capability to **Weaver, Jr.**'s invention for controlling synchronization of received signals as taught by **Ozaki's** invention in order to provide mobile communications between base stations.

As to Claims 22,29,34, **Weaver, Jr.** teaches a method for data transmission in a mobile radio system as claimed in claim 29, wherein a period of 10 (n1 GSM frames) lies between a start of a first FCCH interruption phase and a start of a second FCCH interruption phase, and a period of 10 (n2 GSM frames) lies between the start of the second FCCH interruption phase and a start of a third FCCH interruption phase (Col. 1, lines 56-67).

Response to Arguments

4. Applicant's arguments filed 6/4/04 have been fully considered but they are not persuasive because of the following:

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Examiner respectfully disagrees that **Weaver** does not disclose a second base station. In the 1/30/04 Office Action, Examiner identified a first and second base stations (Figure 2). Examiner also disagrees that it is not obvious to combine **Weaver** with **Ozaki**. This is because they are analogous art using TDMA in cellular systems and synchronizing base stations with mobile stations. **Ozaki** teaches how GSM modulation can be used in TDMA modulation systems so that synchronization can be achieved (Col. 1, lines 45-55). In particular, **Ozaki** teaches how synchronization is achieved using the FCCH control signal in TDMA and how it is achieved in GSM using the SCH channel in TDMA. The teaching suggests obviousness to one of ordinary skill for combining **Ozaki** with **Weaver** to achieve the claims.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Raaf (US 6,389,300) teaches synchronization in a GSM system using every ten time frames.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications; please mark "EXPEDITED
PROCEDURE")

Or:

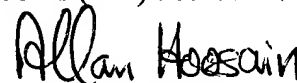
(703) 306-0377 (for customer service assistance)

Hand-delivered responses should be brought to Crystal Park II, 2121
Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Allan Hoosain** whose telephone number is (703) 305-4012. The examiner can normally be reached on Monday to Friday from 8 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Fan Tsang**, can be reached on (703) 305-4895.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.


Allan Hoosain
Primary Examiner
6/17/04